

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10851-DPW

THE ALPHAS COMPANY, INC.,
Plaintiff,

v.

AGRICULTURAL EXPRESS OF AMERICA, INC.
d/b/a CLIPPER CONTROLLED LOGISTICS
Defendant.

**PLAINTIFF'S CERTIFICATION PURSUANT
TO LOCAL RULE 16.1(D)(3)**

The plaintiff, The Alphas Company, Inc., and its counsel hereby certify in accordance with the provisions of Local Rule 16.1(D)(3) as follows:

Plaintiff and its counsel have conferred:

- (a) With a view to establishing a budget for the cost of conducting a full-course - and various alternative courses - of the litigation; and
- (b) To consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

THE ALPHAS COMPANY, INC.

By: s/ John S. Alphas
John S. Alphas, President

s/ Andrew J. Fay

Andrew J. Fay (BBO# 550058)

Tracy L. Davis (BBO# 641440)

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Dated: August 3, 2005